

Message

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 12/13/2018 3:51:48 PM
To: Cook, Steven [cook.steven@epa.gov]; Green, Douglas H. [DHGreen@Venable.com]
CC: Fotouhi, David [fotouhi.david@epa.gov]
BCC: Veney, Carla [Veney.Carla@epa.gov]
Subject: RE: Request for Meeting: CCR Beneficial Use & Indianapolis Power & Light

Hi Doug,

We can coordinate on dates with OLEM. I'd be happy to attend.

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Cook, Steven
Sent: Thursday, December 13, 2018 8:43 AM
To: Green, Douglas H. <DHGreen@Venable.com>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: RE: Request for Meeting: CCR Beneficial Use & Indianapolis Power & Light

One suggestion is for OLEM to take the lead on taking this meeting and OGC can decide who to attend.

From: Green, Douglas H. <DHGreen@Venable.com>
Sent: Thursday, December 13, 2018 8:32 AM
To: Cook, Steven <cook.steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>
Subject: Request for Meeting: CCR Beneficial Use & Indianapolis Power & Light

Dear Messrs. Cook and Leopold – following-up on the message below on behalf of Indianapolis Power & Light (“IPL”) regarding the beneficial use of coal combustion residuals (“CCR”), I write to see if you would be available to meet with IPL representatives sometime during the first full week of January (January 8, 9, 10 or 11) to discuss this matter. A copy of the earlier IPL letter detailing this issue is attached. Because of the importance of this matter to their company, senior IPL representatives, including their COO, Director of Environmental Affairs, and senior legal staff would travel to Washington to meet with you.

We believe a meeting would help to underscore the immediate, adverse consequences that the earlier preamble statement limiting the beneficial use of CCR is having on IPL and would help the parties discuss a positive path forward.

Thank you in advance for seeing if the above dates would work for you and for getting back to me regarding your availability to schedule a meeting.

Regards, Doug Green

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From: Green, Douglas H.

Sent: Monday, November 05, 2018 5:36 PM

To: 'cook.steven@epa.gov' <cook.steven@epa.gov>; 'Leopold.matt@Epa.gov' <Leopold.matt@Epa.gov>

Cc: 'Fotouhi, David' <Fotouhi.David@epa.gov>

Subject: CCR Beneficial Use - Indianapolis Power & Light

Dear Messrs. Cook and Leopold – attached is a letter on behalf of our client Indianapolis Power & Light (“IPL”) requesting a meeting with EPA to discuss correcting an erroneous preamble statement from the CCR Phase 1 proposal limiting the beneficial use of CCR to close CCR impoundments even if the use meets the CCR beneficial use criteria. This erroneous statement is causing IPL to transport CCR for off-site disposal and will force the company to mine virgin soil for closure purposes. We believe this is at odds with the CCR rule’s regulatory text and EPA’s goal in promoting the beneficial use of CCR.

We look forward to working with you to correct this problem and will contact your offices shortly to arrange a meeting to discuss this matter.

Regards, Doug Green

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